

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 05-10417
Chapter 7

CHRISTOPHER ALLEN MILLER and
TERRI GARRETT MILLER,

Debtors.

CORNERSTONE HOMES, LLC, and
SOUTH ALABAMA PROPERTIES, LLC.

Adv. Pro. No. 05-1106

Plaintiffs,

v.

CHRISTOPHER ALLEN MILLER,

Defendant.

MEMORANDUM DECISION

This Adversary Proceeding came before the Court for trial on September 20, 2006, in Dothan, Alabama. (Doc. 12). Plaintiffs Cornerstone Homes, LLC and South Alabama Properties, LLC were present by counsel Collier H. Espy, Jr., and J. Kaz Espy. Debtor Christopher Allen Miller did not appear. Plaintiffs made a proffer of their evidence, and the Court is satisfied that there is a basis in fact and in law to except the indebtedness owed by the Debtor to the Plaintiffs pursuant to 11 U.S.C. § 523(a)(2). At the Plaintiffs' request the Court will dismiss their claims to deny discharge pursuant to 11 U.S.C. § 727(a). The Court will enter judgment by way of a separate document.

Done this the 10th day of October, 2006.

/s/ William R. Sawyer
United States Bankruptcy Judge

c: Collier H. Espy, Jr.; Christopher Allen Miller; William C. Carn, III